Roosevelt's "Crooked" Business Evidence Is Thrown Out by Court

Justice Andrews Rules That the Colonel Has Failed to Prove That Barnes Used His Political Power to Defraud the State in the Printing Contracts.

SHEEHAN AND STETSON AID THE ALBANY MAN: T. R. CALLED BELMONT "DEAR AUGIE" IN LETTER smilingly. "What attitude did you have toward

these laws have not been administere in a wholly satisfactory manner. It

would be essentially good policy for Mr

Hughes to make some sane and con-vincing statement on those questions

ndorsing and approving the laws and

pledging his best efforts to the proper enforcement of them and possibly, if you think wise, a demand for larger

the three headings I have mentioned.

If this subject has not already been brought to your attention I feel that

should contribute this important

point to the category of those that demand your earnest thought.

President Roosevelt's reply was:

WASHINGTON, D. C., Oct. 1, 1906

THE WHITE HOUSE.

DEAR AUGES: I thank you heartily for that letter and I shall take the liberty of showing it to Hughes him-

enforcement sufficient appropriation

of money. I do not think a more important suggestion has been made

P. S.—I have just given Hughes the letter; he was delighted with it.
Mr. August Belmont,

cratic candidates for Governor in 1902, 1904, 1906, 1908 and 1910

respectively, were not members of Tam-

Then Mr. Ivins went back to the measure of Murphy's political power, but Mr. Sheehan continued to say that

hus Mr. Sheehan continued to say that white he regarded Murphy as very influential he could not say Murphy was the leader of the State party. He repeated that he had not gone before the Legislature as Murphy's candidate.

"Were you ever offered any Republications was a stated Mr. Indias.

"I was," said Mr. Sheehan. He was

permitted to testify who made the

"If some Republicans had abstained

'It would have been enough," said

No Dealing With Barnes.

"Did-you ever personally or through an agent discuss the question of your candidacy with Mr. Barnes?" inquired

said Mr. Sheehan.

"Never," said Mr. Sheenan.
Mr. Bowers cross-examined pertina-

ciously. He wanted to know why Shee-han had gone to Murphy at all. The witness said he had gone to discuss the

merits of his candidacy and the merits of others. Mr. Bowers gained a little ground in going over the question of Murphy's dominance. Mr. Sheehan

"Mr. Murphy was the actual leader in

votes?" asked Mr. lvins.

offer

23 Nassau street, New York.

I shall advocate his doing just as you suggest—that is, dwell upon the tenement house, child labor and sweatshop laws of New York State

AUGUST BELMONT

Believe me, very sincerely

STRACUSE, May 11 .- One of Theodore Roosevelt's main defences against Mr. Barnes's \$50,000 libel suit was swept out of existence to-day by the ruling of Justice Andrews that no connection had been proved between Mr. Barnes's political pull and the Albany printing

Not one word of the testimony which tended to show that Mr. Barnes's control of the Republican organization enabled him to benefit from fraudulent public printing contracts can be idered by the jury. It has been well dinned into their ears, of course, but Justice Andrews will instruct them to disregard it.

It was a hard blow to the Colonel and his friends, this decision of Justice Andrews, and was particularly severe since it followed the important ruling. made yesterday in the Colonel's favor, that, while Mr. Barnes may not have violated a statute or the criminal law. political leader

The Colonel planned to cinch his case by linking corrupt politics with crooked business. Now Justice Andrews has ruled out the crooked business evidence the Colonel's case in justification only one leg to stand on. It is still a fairly vigorous leg, since it gives him the opportunity of getting before the jury a few facts in justification of to me than this you have made the alleged libel as well as many state-With hearty thanks and all good wishes, believe me, faithfully yours,
THEODORE ROOSEVELT. ments in mitigation.

Field Day for Barnes.

Take it all around, the day was ex-remely advantageous to Mr. Barnes, ot only was he freed from the necessot only was he freed from the neceselty of explaining why he received \$20,000 from J. B. Lyon about the time he
was writing to Senator Platt to interfere with State officials in Mr. Lyon's
interests and his own, but he was rid of
the necessity of clearing up many inferences, instituations and direct statements that might have here highly dan.

Certain findings of the Bayne report

epproved of Mr. Osborne, rather liked
Mr. Kernan, but rejected any consideration of the others—Mr. Glynn on per-

tion of the others—Mr. Glynn on percental grounds and Mr. Littleton and Mr. Straus because they might identify themselves with Tammany Hall.

Mr. Sheehan, who followed Mr. Steehan after answering the New York county, but I didn't consider Steens on the stand, testified that he never had considered Charles F. Murphy as the dominant leader of the Democratic party of the State, although Democratic party of the State, although after some hesitation.

TELLS OF HIS CANDIDACY

New York county, but I didn't consider him so in the State. But when the Buffalo.

The way of the State is although that Mr. Sheenan after answering the never head ever been the Democratic leader of Brooklyn organization coalesced with Tammany New York city virtually considered that Mr. Sheenan after answering the never head of the never had considered that Mr. Sheenan after answering the never him so in the State. But when the Buffalo.

The way of the State is the never head of the provided that Mr. Sheenan after answering the never had considered that he never had considered that Mr. Sheenan after answering the never head of the never had considered that Mr. Sheenan after answering the never head of the never had considered that Mr. Sheenan after answering the never head of the never had considered that Mr. Sheenan after answering the never head of the never had considered that Mr. Sheenan after answering the never him so in the State. But when the never head that Mr. Sheenan after answering the never head of the never had considered that Mr. Sheenan after answering the never had considered that Mr. Sheenan after answering the never head of the never had considered that Mr. Sheenan after answering the never head of the never had considered that Mr. Sheenan after answering the never had considered that Mr. Sheenan after answering the never had considered that Mr. Sheenan after answering the never had considered that Mr. Sheenan after answering the never had considered that Mr. Sheenan after answering the never had considered that Mr. Sheenan af

Democritic party of the State, although he admitted that Mr. Murphy's influence was very great, especially after the McCooey organization of Brooklyn made an alliance with Tammany. He asserted that he had never asked Mr. Murphy to support his candidate for the Senate and that he had never discussed his candadicy with Mr. Barnes.

The testimony of Mr. Seetson and of Mr. Sheehan was offered by Mr. Barnes to show that there had been no eccret arrangement between him and Murphy by which the Republican organization was to keep hands off in the Senatorial fight, as charged by Col. Roosevelt, and that neither Mr. Barnes nor Mr. Murphy had controlled the election of United States Senator.

Mr. Belmont's Appent.

Buffalo.

"I was so regarded by some," he replied after some hesitation.

"Well," pursued Mr. Ivins, "you are the same William F. Sheehan who was a candidate for Senator in 1911?"

"I am." said Mr. Sheehan, with a twinkle in the eyes that got him the friendly nickname many years ago of "Blue Eyed Billy."

"Whose candidate were you?" asked Mr. Burnes of the Leganization was to keep hands off in the Senatorial fight, as charged by Col. Roosevelt, and that neither Mr. Barnes nor Mr. Murphy had controlled the election of United States Senator.

Mr. Belmont's Resimony, which was almost literally in accordance with testimony that had been given by Col. Roosevelt, was along different lines and left the court room in a hurry to catch a late afternoon train for New York city.

Body Toring To

almost literally in accordance with testimony that had been given by Col. Roosevelt, was along different lines and Roosevelt, was along different lines and did not seem to be of particular value to the Barnes side.

Mr. Belmont had gone to President

"I talked with Mr. Murphy on the subject," said Mr. Sheehan, "but I never asked his assistance."

"Did Mr Murphy object to your can-field that he had gone to see President Roosevelt before the special legislative

did not seem to be of particular value to the Barnes side.

Mr. Belmont had gone to President Roosevelt in 1998 to talk about the wisdom or unwisdom of the Hart-Agnew racing bill. He had been referred by the President to Mr. Barnes. He had been careful to say that he with respect to your candidacy."

He did." said Mr. Sheehan quickly. "He did." said Mr. Sheehan quickly. "What position did Mr. Murphy take with respect to your candidacy."

The winess took a moment or two before replying and then with just the professed legislation (the Harte-Agnew with respect to your candidacy."

The winess took a moment or two before replying and then with just the trace of a smile he said: "I can say that up to the time he changed his mind." said Mr. Belmont, "that I had supported Gov. Hughes and that for other reasons I wished to get a hearing. I recalled to the President's mind." said Mr. Belmont, "that I had supported Gov. Hughes and that for other reasons I wished to get a hearing. I recalled to the President that he knew my the world in the had gone to see President Roosevel before the special legislative session in 1908 and that he had asked his assistance."

"He did." said Mr. Murphy take with respect to your candidacy."

The witness took a moment or two before replying and then with just the trace of a smile he said: "I can say that up to the time he changed his mind." said Mr. Belmont, "that I had supported Gov. Hughes and that for other reasons I wished to get a hearing on proposed legislation (the Harte-Agnew with respect to your candidacy."

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I'm with respect to your candidacy."

I'm with respect to your candidacy."

I'm with resident Roosevell in the that you were not a to intended to inten

ont's letter to President Roosevelt the party."

(Personal and Confidential.)

New York, September, 1906.

Dear Mr. President: You will re
the party."

Mr. Ivins next brought out that John B. Stanchfield. Bird S. Coler, D-Cady Herrick. William R. Hearst, Lewis which I wrote to President Roosevelt Stuyvesant Chanler and John A. Dix. call that when I saw you in Washington the conversation led to the question of radicalism and it was agreed that that represented by Mr. Hearst was a common enemy to both of our respective parties. I therefore feel that I can properly write to you with respective parties. I therefore feel that I can properly write to you with reference to what appears to me is an important matter concerning the campaign of Mr. Hughes, for no one

knows better than you where to put the finger on the correct spot. Hearst appeals to the labor vote and has a record with them which

will insure to him the support of a substancial portion of that element. Mr. Hughes has no record of this kind at all, and I am satisfied—and all to whom I have spoken on the subject agree with me—that it is of great importance that Mr. Hughes place himself in a favorable attitude toward The Republican platform refers to

nothing that directly touches the labor interests locally. With ref-erence to the eight hour law its indorsement of your attitude is in its way excellent but not sufficient. The tenement house, the child labor and the "sweatshop" laws of the State, it seems to me, are questions on which Mr. Hughes could make an excellent point at the outset of his campaign. You well know how important these are to the welfare of the laborer, and they appeal to his wife and children. The appropriations have never been, n the eyes of laboring men, suffi-

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ered it perfectly and that he had taken part in it from the beginning. "Was your attitude Murphy or anti-'Anti-Murphy," said Mr. Stetson

was friendly toward Mr. Sheehan

resonally," said Mr. Stetson, "but not his candidacy,"
"Did you talk to Mr. Barnes in March. "Did you talk to Mr. Barnes in March.
1911, about a successor to Senator Depew?" continued Mr. Ivins.
"Yes," said Mr. Stetson, consulting
memoranda, "I talked to Mr. Barnes on
March 28, 1911, in Mr. Barnes's home
in Albany, Frank H. Platt was pres-

appropriations for the work.

As you know, there is complaint that a sufficient number of inspectors cannot be employed for lack of funds to properly keep a watchful eye on the administration of the laws under the three headings I have mentioned.

Mr. Ivins waited a moment, still glar-ng at Col. Roosevelt, and then added,

Mr. Stetson's Mission.

Dermitted by Instice Andrews to Five he substance of the conversation Mr. submitted to Mr. Barnes five names as possible levers to break the deadlock.

"These were the names of Thomas Mott Osborne, John D. Kernan, Martin W. Littleton, Martin H. Glynn and Isidor Straus," continued Mr. Stetson, "Mr. Barnes rejected Glynn on personal grounds, Littleton because he might identify himself with Tammany Hall and Mr. Straus for the same reason.

He was willing to consider the names of Osborne and Kernan and exposed a strong preference for Osborne. "I asked him what Senator, in the case of voting in alphabetical order, would vote first. He said he couldn't re-call any Republican whose name began with 'A.' I remembered Senator Argei-

Belmont's Appeal.

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SAFETY FIRST

is mont read the letters, which are dominant in the councils of the Rerinted above.

Mr. Belmont then testified that Presient Roosevelt had sent him to Mr.
harnes. He added that he had made to clear that he would have no hand in improper activities against the prolike the state committee and had failed to hold the control of the party by deleating Gov. Hughes, to whom he had been opposed.

"Thus far," said Justice Andrews.

did," replied Mr. Belmont. Mr. Belmont also hurried to catch a train and at the same time Senator James J. Frawley was excused because an agreement had been reached that his testimony was not necessary. What with the elimination of printing testimony and rapid progress made with wit-nesses this afternoon it becomes prob-able that the case will be ended this

At the beginning of the court work its morning Justice Andrews made a atement clearly defining the limitaions of the defendant's case;

tions of the defendant's case:

"I have held that the article complained of is libellous per se," said the court. "because it charges a corrupt alliance between Mr. Murphy and Mr. Barnes for the control of the State government. The defence, in support of its contention of justification, has put in some evidence of alleged admissions on the part of Mr. Barnes in this regard.

"For the time being I am assuming that this is true and that every proper inference to the discredit of Mr. Barnes may be drawn. I think such evidence its receivable in justification of the charge of corruption.

The defendant's case:

"I have held that the article complained to prove that the final result of the various combinations established had led to corruption of the State government.

"You have shown various combinations of Republicans and Democrats, who voted against the Harte-Agnew bill and for the election of Mr. Allds and against direct primary legislation.

Allds and against direct primary legislation were actuated by any but the finest and highest motives. The only improper alliance you have shown was

charge of corruption.

"To support the contention that Mr. Barnes works through an alliance be-tween crooked busines and crooked pol-ities I have received evidence relating of ween crooked busines and the veen crooked business organizations from large business organizations to both the Republican and the Democratic party with the understandbusiness could be protected.

"Maybe so," said the court, "and maybe the defendant believed it. This philosophy may have taught him that such combinations could be productive of nothing but evil, but there is no evilate effect in the case."

reply explain why I went to the President in 1908. I feel that in justice to myself I should be permitted to read the letters."

Mr. Bowers was on the point of objecting, but Col. Roosevelt bent forward hastily and in a voice that was audible all over the room said: "No, no: let him read them." Then Mr. Beimont read the letters, which are printed above.

Wrong of the ordinary man, and does the work differently the government might have saved money how does that effect Mr. Barnes?

"Mr. Barnes undoubtedly got some of the printing because he was well known in the city and county of Albary and because he was connected primary legislation. Then Mr. Beimont read the letters, which are printed above.

"But the defendant has uiterly failed publican party, was not chairman of prove either that there was corrup-

mr. Bowers asked a single question:

"Did Col. Roosevelt testify accurately as to the conversation you held with him?"

"Thus far, said Justice Andrews.

"the only testimony introduced that bears out in any manner the charges of collusion between Mr. Barnes and Mr. Murphy is that concerning the election of a United States Senator. I can grave importance not only to the find no evidence of corrupt conduct on the part of Mr. Barnes in matters connected with the racetrack legislation or the direct primary legislation."
"Then the testimony of Mr. Davenport, Mr. Newcomb and Mr. Hinman

ay go out?" asked Mr. Wolff.
"I think so," said the court. Justice Andrews refused to strike out

ion of the Democratic organization in

the State government.

Mr. Wolff moved to strike out the statement that the State government was rotten throughout at the time Ex

Democratic party with the understanding that they should be protected.

"To sustain the contention of an alliance between crooked business and crooked politics I have received also evidence of printing conditions in Albany concerning the city and county of Albany and the State of New York. On some of these points I have not yet ruled.

"The definition of corruption, which I hold may be given, is that of improper conduct, morally wrong and contrary to the standards of right and

ARGUMENT OPENED ON PRINTING EVIDENCE

evidence in relation to printing matters "Mr. Barnes was in the printi were questioned and cross-questioned and in successive decreased to the control of the contro

see testimony he asked to have taken were Charles M. Winchester, Will-Lyon, Michael V. Dolan, William autoblography tells us quite plainly that

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o prove either that there was corrup-

At the beginning of the afternoon ses pals in the case, but to the people of

The granting of the motion, he in sisted, would please every wrongdoer. He urged that the court permit the jury to have the benefit of the whole record and draw what inferences it saw fit. "If you left us to stand on our state-nent that this man was a connection petween crooked politics and crooked inferences as are apparent and r our whole case goes to the " concluded Mr. Bowers."

he greatest mathematicians and logi vians in the world. He wrote 'Alice in Wonderland' and 'As In a Looking Glass' to show what a logician could o when he was writing idn't care anything for logic.
"The whole case of this defendant reminds me of 'Alice." It is not necessary

for me to offer any further argument."

Justice Andrews then made the ruling adverse to hie Roosevelt side and the Barnes side formally opened its case.

SPIRITUALISTS NOT EXEMPT. Governor Refuses to Lift Liability

of Prosecution.

tual construction in laying out, widening and relocating parks, public places, high-ways or streets under the provisions of the Mills bill, signed by the Governor.

of the New York city schools at such prices as may be agreed upon instead of at the prevailing market price as at present under another bill signed. The proceeds may be used as the Board of Education determines.

tation unless he has sunk to the depths of criminal depravity. Gov. Whitman has announced that he will ask for a report on the workings of the law at the end of six months, and upon this report will depend the Governor's support of an indeterminate sentence law for all

ALBANT, May 11 .- In the presence of anal Board, State Engineer Williams will officially open for traffic that sec-tion of the State barge canal from Waterford to Rexford Flats on Saturday, May 15. The canal from Waterford to Rexford is lined with five immense locks.

CITY PAROLE BOARD BILL IS SIGNED

Hailed by Aid of Miss Davis as Solving Young Offender Problem.

EXPECTS BIG REFORM

ALBANY, May 11 .- Gov. Whitman signed to-day the Mills-Hoff bill, authorizing the Board of Estimate of New York city, or any similar body of any first class city in the State having a Department of Correction, with jurisor reformatory, to create a parole compointed by the Mayor, with the Commis mission will be able to parole prisoners

Burdette G. Lewis, acting Commis-sioner of the Department of Correction, in the absence of Commissioner Kathin the absence of Commissioner Katharine B. Davis, said yesterday that the bill meant that every young criminal of either sex would be driven from the city or from further participation in crime. He added that Miss Davis, who helped to frame the bill, would on her return urge the Board of Estimate to adopt the reform immediately.

"If in the past young crooks were arrested," he said, "there were always plenty of leaders and crime canitalists.

plenty of leaders and crime capitalists who would pay them \$15 a week ALBANT, May 11.—Gov. Whitman for them to escape a jail sentence.

"The new bill changes all that, for it establishes an entirely new set of rules or the criminal game.

adequately empowered to secure all inthe Kings county Commissioner of while in prison and chance for reform to

in the Kings county Commissioner of Record's office, for services from January 1 to December 11, 1913.

The Public Recreation Commission of New York city is abolished and the Commissioner of Parks in each borough has the jurisdiction and powers heretofore exercised by the commission, except as to property under the jurisdiction of the Department of Education, under the terms of the Carswell bill signed by the Governor to-day.

New York city may acquire more while in prison and chance for reform, is substituted for the system which has allowed the young criminal to run wild in New York.

"Mayor Mitchel and Gov. Whitman are both in thorough sympathy with the law, as are all the Judges of the criminal courts. The day after Mayor Mitchel took office he had lunch with Gow. Whitman, then District Attorney. They talked over the crime situation. The next day the Mayor issued his famous anti-gang-ster order to the police. Governor to-day.

New York city may acquire more ster order to the police.

lands than are really necessary for ac-

courts, the police and the Department of Correction to deal with gangsters and other young offenders in a constructive me Mills bill, signed by the Governor.

Senator Walker's bill changing from anuary 15 to August 15, following the second of the assessment rolls by the receipt of the assessment rolls by the tax receiver, the date after which unpaid personal property taxes may be collected by distress and sale in New York city also was signed.

The Board of Education is authorized to sell manufactured or other products of the New York city also was signed. an indeterminate sentence law

Fame

Because Henry Ford is world-famous as a manufacturer, it overshadows the fact that he is also a great inventor and ornithologist.

Similarly, because the But-terick publications are preeminent in fashion, the breadth of their general scope and influence may be overlooked.

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Woodrow Wilson

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Less than half of these are professional writers. The others wished for the understanding or support of our

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